

HOUSE BILL 1928

By Hensley

AN ACT to authorize the county legislative body to approve or disapprove of certain landfills in Lewis County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. No permit or registration shall be granted for any new solid waste processing facility, disposal facility, or site in Lewis County if the permit or registration application has been submitted by a county, municipality, business, organization, or individual that is located outside the boundaries of Lewis County, or to any individual or business located inside the boundaries of Lewis County that seeks to accept solid waste that is solely generated by someone other than that individual or business seeking the permit or registration, unless the county legislative body of Lewis County approves such facility or site in accordance with Section 2.

SECTION 2.

(a) The county legislative body of Lewis County shall approve or disapprove a solid waste processing facility, disposal facility, or waste site pursuant to Section 1 based on a consideration of the following criteria:

- (1) The type of waste to be disposed of at the facility or site;
- (2) The method of disposal to be used at the facility or site;
- (3) The projected impact on surrounding areas from noise and/or odor created by the proposed facility or site;
- (4) The projected impact on property values on surrounding areas created by the proposed facility or site;
- (5) The adequacy of existing roads and bridges to carry the increased traffic projected to result from the proposed facility or site;

(6) The economic impact on the county;

(7) The compatibility with existing development, planning, or zoning plans;

and

(8) Any other factor which may affect the public health, safety, or welfare.

(b) Judicial review of the legislative body's determination shall be a de novo review before the chancery court for Lewis County.

SECTION 3. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Lewis County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Lewis County and certified to the secretary of state.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 3.